IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10776 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

---

GUJARAT MAZDOOR PANCHAYAT

Versus

MANAGER

---

Appearance:

MRS SANGEETA N PAHWA for Petitioner

M/S TRIVEDI & GUPTA for Respondent No. 1

MR KS JHAVERI for Respondent No. 2

MS PROMILA SAFAYA for Respondent No. 3, 4

---

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 10/05/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the respective

parties.

2. The the learned counsel appearing for the respective parties have agreed that this petition may be disposed of in terms of the earlier order passed in special civil application nos. 4195 of 1998 and 5433 of 1999. Accordingly, it is directed as under :

(a) The petitioners shall approach the Conciliation Officer with respect to their demands for which the petition is filed within four weeks from today.

(b) The Conciliation Officer shall submit an appropriate report within three months from the date of hearing the parties after taking into consideration their rival contentions and objections.

(c) In case failure report is drawn by the Conciliation Officer, in that event, the appropriate Government shall take decision by passing appropriate order of making a reference, at an early date, within four weeks from the date of receipt of the report. Interim relief granted by this Court shall continue till such decision is communicated and for a further period of two weeks.

(d) In case the present contract between the principal employer as well as the contractor comes to an end or for any other reason and if the corporation discontinues the present contractor, it will be open for the principal employer to award fresh contract by inserting a clause that the new contractor will continue the present petitioner during the continuation of interim relief.It is clarified that it will be the sole discretion of the appropriate authority and/or the labour court/industrial tribunal to continue or not to continue the interim relief granted and continued by this court in this order. It is further clarified that it will be open for the concerned contractor to take appropriate disciplinary action against the petitioner in case of their involvement in any misconduct including absenteeism in accordance with law.

3. In view of the above directions, no further orders are required to be passed in these petitions and

the same are accordingly disposed of. Rule is discharged with no order as to costs. Interim relief is vacated subject to the directions given hereinabove.

10.5.2000. (H.K.Rathod,J.)

Vyas